UNITED
NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/70/Rev.4
14 December 1999

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION

Adopted by the Committee at its 475th meeting (twenty-first session) on 9 April 1980, incorporating the additional guidelines for the implementation of article 7 adopted at the 571st meeting (twenty-fifth session) on 17 March 1982 and as revised at the 984th meeting (forty-second session) on 19 March 1993[1] and at the 1354th meeting (fifty-fifth session) on 16 August 1999[2]

1. In accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, each State party has undertaken to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Elimination of Racial Discrimination, a report on the legislative, judicial, administrative or other measures which it has adopted and which give effect to the provisions of the Convention:
(a) within one year after the entry into force of the Convention for the State concerned, and
(b) thereafter every two years and whenever the Committee so requests. Article 9, paragraph 1, also provides that the Committee may request further information from the States parties.

2. In order to assist the Committee in fulfilling the tasks entrusted to it pursuant to article 9 of the Convention and further to facilitate the task of States parties in the preparation of their reports, the Committee has decided that it would be useful to inform States parties of its wishes regarding the form and content of their reports. Compliance with these guidelines will help to ensure that reports are presented in a uniform manner and enable the Committee and States parties to obtain a complete picture of the situation in each State as regards the implementation of the provisions of the Convention. This will also reduce the need for the Committee to request further information under article 9 and its rules of procedure.

3. It should also be noted, in this connection, that the Committee stated in its General Recommendation II of 24 February 1972 that, since all the categories of information requested from States parties refer to obligations undertaken by States parties under the Convention, the necessary information in conformity with these guidelines should be provided by all States parties without distinction, whether or not racial discrimination exists in their respective territories.

4. In selecting information for inclusion in their reports, States parties should bear in mind the definition of the term "racial discrimination" as reflected in article 1, paragraph 1, of the Convention, as well as the provisions of article 1, paragraphs 2, 3 and 4, which refer to situations not considered as racial discrimination.

5. The report should also reflect in all its parts the actual situation as regards the practical implementation of the provisions of the Convention and the progress achieved.

PART I. GENERAL

6. General information on the land and people, general political structure, general legal framework within which human rights are protected and information and publicity should be prepared in accordance with the consolidated guidelines for the initial part of reports of States parties to be submitted under the various international human rights instruments, as contained in document HRI/CORE/1.

PART II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

7. Describe briefly the policy of eliminating racial discrimination in all its forms and the general legal framework within which racial discrimination as defined in article 1, paragraph 1, of the Convention is prohibited and eliminated in the reporting State, and the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life are promoted and protected.

8. The ethnic characteristics of the country are of particular importance in connection with the International Convention on the Elimination of All Forms of Racial Discrimination. Many States consider that, when conducting a census, they should not draw attention to factors like race lest this reinforce divisions they wish to overcome. If progress in eliminating discrimination based on race, colour, descent, national and ethnic origin is to be monitored, some indication is needed of the number of persons who could be treated less favourably on the basis of these characteristics. States which do not collect information on these characteristics in their censuses are therefore requested to provide information on mother tongues (as requested in para. 1 of HRI/CORE/1) as indicative of ethnic differences, together with any information about race, colour, descent, national and ethnic origins derived from social surveys. In the absence of quantitative information, a qualitative description of the ethnic characteristics of the population should be supplied. The remainder of this part should provide specific information in relation to articles 2 to 7, in accordance with the sequence of those articles and their respective provisions.

9. The inclusion of information on the situation of women is important for the Committee to consider whether racial discrimination has an impact upon women different from that upon men. Reporting officers are asked to describe, as far as possible in quantitative and qualitative terms, factors affecting and difficulties experienced in ensuring for women the equal enjoyment, free from racial discrimination, of rights under the Convention. It is also difficult to protect against racial discrimination the rights of persons, both women and men, who belong to any vulnerable groups, such as indigenous peoples, migrants, and those in the lowest socio-economic categories. Members of such groups often experience complex forms of disadvantage which persist over generations and in which racial discrimination is mixed with other causes of social inequality. Reporting officers are asked to bear in mind the circumstances of such persons, and to cite any available social indictors of forms of disadvantage that may be linked with racial discrimination.

10. The Committee requests States parties to incorporate in this part, under the appropriate headings, the texts of the relevant laws, judicial decisions and regulations referred to therein, as well as all other elements which they consider essential for the Committee's consideration of their reports.

11. The information should be arranged as follows:

Article 2

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 2, paragraph 1, of the Convention, in particular:

1. Measures taken to give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

2. Measures taken to give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations;

3. Measures taken to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

4. Measures taken to give effect to the undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

5. Measures taken to give effect to the undertaking to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

B. Information on the special and concrete measures taken in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups or

individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms, in accordance with article 2, paragraph 2, of the Convention.

Article 3

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 3 of the Convention, in particular, to the condemnation of racial segregation and apartheid and to the undertaking to prevent, prohibit and eradicate all practices of this nature in territories under the jurisdiction of the reporting State.

B. Information on the status of diplomatic, economic and other relations between the reporting State and the racist regime of southern Africa, as requested by the Committee in its General Recommendation III of 18 August 1972 and decision 2 (XI) of 7 April 1975.

Article 4

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 4 of the Convention, in particular measures taken to give effect to the undertaking to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination,[3] in particular:

1. To declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

2. To declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

3. Not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

B. Information on appropriate measures taken to give effect to General Recommendation I, of 24 February 1972, by which the Committee recommended that the States parties whose legislation was deficient in respect of the implementation of article 4 should consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions conforming to the requirements of article 4 (a) and (b) of the Convention.

C. Information in response to decision 3 (VII) adopted by the Committee on 4 May 1973 by which the Committee requested the States parties:

1. To indicate what specific penal internal legislation designed to implement the provisions of article 4 (a) and (b) has been enacted in their respective countries and to

transmit to the Secretary-General in one of the official languages the texts concerned, as well as such provisions of general penal law as must be taken into account when applying such specific legislation;

2. Where no such specific legislation has been enacted, to inform the Committee of the manner, and the extent to which the provisions of the existing penal laws, as applied by the courts, effectively implement their obligations under article 4 (a) and (b), and to transmit to the Secretary-General in one of the official languages the texts of those provisions.

Article 5

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 5 of the Convention; in particular, measures taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law notably in the enjoyment of the rights listed. The Committee will wish to ascertain to what extent all persons within the State's jurisdiction, and particularly members of vulnerable groups, enjoy these rights in practice free from racial discrimination. In many States there will be no quantitative data relevant to the enjoyment of these rights; in such circumstances it may be appropriate to report the opinions of representatives of disadvantaged groups.

A. The right to equal treatment before the tribunals and all other organs administering justice:

This part of the report is the place in which to provide any information on the training and supervision of law enforcement officials and judicial officers in the avoidance of racial discrimination, together with information on measures for the investigation of complaints.

B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution:

Information on the incidence of racially motivated criminal offences, their investigation and punishment, should be reported in this section.

C. Political rights:

Information on the means for guaranteeing these rights, and on their enjoyment in practice, should be reported. For example, do members of indigenous peoples and persons of different ethnic or national origin exercise such rights to the same extent as the rest of the population? Are they proportionately represented in the legislature?

D. Other civil rights:

Certain of these rights (e.g. freedom of expression and assembly) have at times to be balanced against the right to protection from racial discrimination. Any problems in this connection should be reported.

E. Economic, social and cultural rights, in particular:

1. The right to work, and

2. The right to form and join trade unions.

Circumstances vary greatly between different regions of the world, but it will help the Committee if at this point the report can (a) briefly describe employment in the State, in what industries, public or private, and whether persons of different ethnic or national origin are concentrated in particular forms of employment, or are unemployed; (b) describe governmental action to prevent racial discrimination in the enjoyment of the right to work; (c) indicate the extent to which these rights are enjoyed in practice.

3. The right to housing.

It will help the Committee if the report can (a) describe the housing markets in the State, public and private, owner-occupied or rented, and whether ethnic groups are concentrated in particular sectors or tend to concentrate in particular localities; (b) describe governmental action to prevent racial discrimination by those who rent or sell houses or apartments; (c) indicate the extent to which the right to housing without discrimination is enjoyed in practice.

4. The right to public health, medical care, social security and social services.

Different ethnic groups within the population may have different needs for health and social services. It will help the Committee if the report can (a) describe any such differences; (b) describe governmental action to secure the equal provision of these services.

5. The right to education and training.

It will help the Committee if the report can (a) indicate any variations in the levels of educational and training attainment between members of different ethnic groups; (b) describe governmental action to prevent racial discrimination in the enjoyment of these rights, bearing in mind the Committee's General Recommendation XIX.

6. The right to equal participation in cultural activities.

In some countries it may be appropriate to report on access to sporting facilities and on the prevention of ethnic hostility in competitive sports. Since the adoption of the Convention in 1965 many countries have experienced a great increase in the power of the mass media (press, radio, television) to shape popular images of other ethnic groups and to report on events in ways that may promote either peaceful relations or racial hatred. Negative images can hinder equal participation in all fields of public life. Governmental oversight of any such tendencies may be described in this section of a State report.

7. The right of access to places of service.

In many countries complaints are voiced about racial discrimination that denies the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks. Governmental action to prevent such discrimination, and its effectiveness, should be described here.

Article 6

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention, in particular, measures taken to assure to everyone within the jurisdiction of the reporting State effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms;

B. Measures taken to assure to everyone the right to seek from such tribunals just and adequate reparation or satisfaction for any damage as a result of such discrimination;

C. Information on the practice and decisions of the courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention.

Article 7

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 7 of the Convention, to General Recommendation V of 13 April 1977 and to decision 2 (XXV) of 17 March 1982, by which the Committee adopted its additional guidelines for the implementation of article 7.

In particular, the reports should provide as much information as possible on each of the main subjects mentioned in article 7 under the following separate headings:

A. Education and teaching;

B. Culture;

C. Information.

Within these broad parameters, the information provided should reflect the measures taken by the States parties:

1. To combat prejudices which lead to racial discrimination;

2. To promote understanding, tolerance and friendship among nations and racial and ethnic groups.

A. Education and teaching

This part should describe legislative and administrative measures, including some general information on the educational system, taken in the field of education and teaching to combat racial prejudices which lead to racial discrimination. It should indicate whether any steps have been taken to include in school curricula and in the training of teachers and other professionals, programmes and subjects to help promote human rights issues which would lead to better understanding, tolerance and friendship among nations and racial or ethnic groups. It should also provide information on whether the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination are included in education and teaching.

B. Culture

Information should be provided in this part of the report on the role of institutions or associations working to develop national culture and traditions, to combat racial prejudices and to promote intra-national and intra-cultural understanding, tolerance and friendship among nations and racial or ethnic groups. Information should also be included on the work of solidarity committees or United Nations Associations to combat racism and racial discrimination and the observance by States parties of Human Rights Days or campaigns against racism and apartheid.

C. Information

This part should provide information:

(a) On the role of state media in the dissemination of information to combat racial prejudices which lead to racial discrimination and to inculcate better understanding of the purposes and principles of the above-mentioned instruments;

(b) On the role of the mass information media, i.e. the press, radio and television, in the publicizing of human rights and disseminating information on the purposes and principles of the above-mentioned human rights instruments.

12. If needed, the reports should be accompanied by sufficient copies in one of the working languages (English, French, Russian or Spanish) of all other supplementary documentation which the reporting States may wish to have distributed to all members of the Committee in connection with their reports.

13. On the basis of reports already submitted and those prepared and submitted according to the above guidelines, the Committee is confident that it will be enabled to develop or continue a constructive and fruitful dialogue with each State party for the purpose of the implementation of the Convention and thereby to contribute to mutual understanding and peaceful and friendly relations among nations in accordance with the Charter of the United Nations.

Notes

[1] The Committee's revision consisted of the insertion, under Part II, of a new paragraph concerning information on the ethnic characteristics of the country. It should be noted that the Committee, at its 913th meeting (thirty-ninth session) adopted a number of revisions to its general reporting guidelines, including the incorporation of former Part I, para. (a), under Part II and the deletion of former Part I, para. (c). Those changes have been reflected in the present document.

[2] The Committee's revision consisted of the insertion, under Part II, of a new paragraph concerning information on the situation of women. The Committee further amended former Part II, para. 10, related to reporting under article 5 of the Convention.

[3] With due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention.